

REMARKS

Claims 1-10, 12-36 and 38-47 are pending in this application. By this Amendment, claims 1, 33, 38, 41 and 43 are amended to incorporate the subject matter of claim 11 and additional features. Claim 11 is canceled to avoid redundancy. Support for the amendments can be found, for example, on page 2, lines 31-36 of the specification. No new matter is added. Reconsideration and prompt allowance of the pending claims are respectfully requested, at least in light of the following Remarks.

I. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-36 and 38-47 under 35 U.S.C. § 103(a) over U.S. Patent No. 4,307,899 to Hoppe in view of U.S. Patent No. 6,089,614 to Howland et al. ("Howland") and "Understanding Halftones" by Arah ("Arah"). The cancellation of claim 11 renders the rejection of claim 11 moot. The rejection of the remaining claims is respectfully traversed.

None of the applied references, either alone or in combination, disclose or would have rendered obvious "wherein, elements of the camouflage pattern and background areas between elements of the discontinuous pattern are approximately a same size, or the elements of the camouflage pattern are of a similar size to the elements of the discontinuous pattern," as recited in claim 1 and incorporated from original claim 11. In the rejection of claim 11, the Office Action asserts that Hoppe discloses this feature because Hoppe allegedly teaches non-specific color variation and that further color variation is within the technical grasp of one of ordinary skill. Applicant disagrees.

In particular, the above-recited feature is directed to the sizes of the elements of the camouflage pattern the discontinuous pattern. Varying the color would have no effect on the sizes of the elements. Thus, even if one of ordinary skill varied the color as allegedly taught by Hoppe, Hoppe would still fail to render obvious the above-recited feature. Furthermore,

Hoppe discloses adjusting the visibility of an image in reflected and transmitted light by utilizing overlying printed layers of different colors (see Hoppe, Fig. 7). Thus, ensuring that the sizes of the elements of a camouflage pattern and the elements of a discontinuous pattern are similar in size would not affect the function of the hallmark of Hoppe. Therefore, one of ordinary skill would have no reason for modifying the hallmark of Hoppe to ensure that the sizes of the elements of a camouflage layer and the elements of a discontinuous pattern are similar in size.

Howland and Arah fail to remedy the deficiency of Hoppe. For example, the camouflage effect produced by the security device of Howland is produced by the reflective nature of patch 10 and not by a camouflage pattern. Thus, Howland fails to disclose ensuring that the sizes of the camouflage pattern and the elements of a discontinuous pattern are the same because Howland fails to disclose a camouflage pattern comprised of elements. In addition, Arah discloses reproducing images and rendering those images visible to a viewer. Thus, the relationships between ink coverage, dot size and spacing that Arah allegedly discloses would be designed to improve the visibility of the image. In contrast, the function of the claimed security device is to reduce the visibility of an image in certain types of light. Ensuring that the elements of a camouflage pattern and a discontinuous pattern are similar in size helps achieve the intended purpose of the claimed security device. Thus, even if one were to utilize the alleged relationships taught by Arah, one would still fail to ensure that the elements of a camouflage pattern and a discontinuous pattern are similar in size. Because Howland and Arah fail to remedy the deficiency of Hoppe, claim 1 is patentable over the applied references.

Claims 33, 38, 41 and 43 also recite this feature. Therefore, those claims are patentable at least for the reasons discussed above, as well as for the additional features those claims recite.

Dependent claims 2-32, 34-36, 39, 40, 42 and 44-47 depend from independent claims 1, 33 and 38, respectively. Therefore, those dependent claims are patentable at least for their dependence from claims 1, 33 and 38, as well as for the additional features those claims recite.

Withdrawal of the rejection is requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Brian K. Kauffman
Registration No. 63,199

JAO:BKK/jls

Date: November 19, 2010

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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